

STUDENT REVIEW POLICY AND PROCEDURE

INTRODUCTORY

Purpose

The purpose of this policy and procedure is to outline the requirements for a request by a student for review of a reviewable decision in relation to a course with Evolve College Pty Ltd (RTO 41035) (referred to as “Evolve College” or “the provider”), all or part of the fees for which the student/applicant may apply for a VET Student Loan (VSL). Reviews are under the VET Student Loans Act 2016 (“the Act”).

VET Student Loans approved course

Evolve College is an approved provider of the following course (“approved course”):

- HLT52021 Diploma of Remedial Massage
- HLT52015 Diploma of Remedial Massage

This policy and procedure relates to a review of a reviewable decision in respect of an approved course, as set out in this policy and procedure.

1. REVIEWABLE DECISIONS

1.1 Categories of reviewable decisions

The following are reviewable decisions under this policy and procedure:

Item	Decision	Section of Act	Decision maker
1	A decision to approve or not a VSL	18	The Secretary
2	A decision: <ul style="list-style-type: none"> a) To re-credit a student’s HELP or FEE-HELP balance; or b) Not to re-credit a student’s HELP or FEE-HELP balance 	68 (special circumstances)	The course provider The Secretary
3	A decision: <ul style="list-style-type: none"> c) To re-credit a student’s HELP or FEE-HELP balance; or d) Not to re-credit a student’s HELP or FEE-HELP balance 	71 (unacceptable conduct)	The Secretary

1.2 Request for a review

The following applies:

- a) A person whose interests are affected by a reviewable decision may request the decision maker to reconsider the decision.
- b) Any such request must be made in writing and given to the decision maker within 28 days after the day on which the person was notified of the decision (or such longer period as the decision maker allows).
- c) The request must set out the reasons for requesting the re-consideration.

1.3 Officer to review

The following applies:

- a) Evolve College must appoint a review officer to reconsider reviewable decisions made by the provider - i.e. a decision made under section 68 not to re-credit a person's HELP or FEE-HELP balance (for special circumstances).
- b) The review officer must be appointed by the chief executive officer of the provider or a delegate of the chief executive officer.
- c) A review officer must not review a decision they were involved in making and must occupy a position that is not lower than that occupied by the person who made the original decision.

1.4 Review on merits

Each application for a review should be examined and determined on its merits. Evolve College shall consider the person's claims, together with any independent supporting documentary evidence that substantiates these claims.

1.5 Review of decision

After receiving a request for review under section 1.3 above, the review officer must reconsider the decision and:

- a) Confirm the decision;
- b) Vary the decision; or
- c) Set the decision aside and substitute a new decision.

1.6 Written notice

The review officer must give the person written notice of the decision, within a reasonable period after the decision is made and contain written reasons for the re-considered decision. The review officer must advise, in the written notice, of the person's right to appeal to the Administrative Appeals Tribunal ("AAT") for a review of the reviewer's decision if the person is unsatisfied with the outcome.

1.7 Decision deemed to be to confirm

If the review officer does not give notice of the re-considered decision to the person within 45 days after receiving the person's request, the decision maker is taken to have confirmed the reviewable decision.

1.8 Decision maker may decide to re-consider a decision

The decision maker may re-consider a decision if it is satisfied there is sufficient reason to do so, whether or not:

- a) An application for reconsideration has been made (under section 76 of the Act);
- b) The decision has been re-considered (under section 76 of the Act); or

- c) An application has been made for review by the AAT (under section 80 of the Act).

Section 1.6 applies to the re-consideration of a decision under section 1.8.

1.9 Applications outside time period

In circumstances where an application for review is made outside the application period (that is, 28 days after the person was notified of the decision), and the decision maker has not extended this time, the person should be advised the application has been refused on the basis the person is out of time. In these circumstances, it is not necessary for the provider to address whether the special circumstances test has been satisfied.

1.10 Review by the Administrative Appeals Tribunal (AAT)

After the decision has been reviewed by the review officer, if the person is still not satisfied with the decision, the person may appeal the reviewed decision as follows:

- a) A person may apply to the AAT for review of a review officer's decision and may supply additional information to the AAT they did not previously supply to the provider, including the review officer.
- b) The department will receive notification from the AAT that a person has lodged an application for a review of a review officer's decision. The department is the respondent for cases that are before the AAT.
- c) Once the department has received notification from the AAT that the person has applied for the reconsideration under section 37 of the *Administrative Appeals Tribunal Act 1975*, the department must lodge the following documents with the AAT within 28 days:
 - a. a statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision, and
 - b. every document or part of a document that is in the reviewer's possession or under the reviewer's control and is considered by the reviewer to be relevant to the review of the decision by the AAT.

1.11 Provision of information by Evolve College to the Department

The following applies:

- a) If an appeal is lodged with the AAT, the department will notify the provider, in writing, that an appeal has been lodged. To enable the department to meet the 28-day timeframe, the provider must, within a further 5 business days of being requested, provide the department with copies of all the documents it holds that are relevant to the appeal. These documents should be sent by courier or express post to meet the 5-business day requirement. The provider should keep any originals and copies of the documents in line with its normal record keeping practices.
- b) Once the documents are received, the department may choose to review the original decision.
- c) The provider's review officer may also reconsider the decision even though an appeal has been made to the AAT at any time up until the AAT makes a

final decision. If a decision is made to re-credit a person's HELP or FEE-HELP balance the provider must advise the department.

- d) However, until a person withdraws their AAT appeal or the appeal is dismissed or otherwise dealt with by the AAT, the department is still required to comply with the requirement under section 37 of the AAT Act 1975 to lodge the statement, and relevant documents described in section 1.10(c) above, with the AAT. Therefore, the provider must still forward all relevant documents to the department within 5 business days, unless advised not to do so by the department. The department will deal with cases from that point and advise the provider of the outcome.

1.12 Reporting a remission decision to the Department

Where a decision results in the re-crediting of a person's HELP or FEE-HELP balance, the provider will be notified and must report this outcome via submission of a revision file in the applicable Government system (e.g. TCSI). The provider is required to repay to the Commonwealth any amounts of VET student loan the provider received from the Commonwealth on the person's behalf through subsequent reconciliations, unless the department decides to issue a separate invoice.

1.13 Treatment of students seeking review

A student shall not be victimised or discriminated against for:

- a) seeking a review or reconsideration of a decision;
- b) using the provider's grievance processes or procedures; or
- c) making an application for re-crediting the student's HELP or FEE-HELP balance.

APPENDIX A: FLOWCHART OF REVIEW PROCESS

